

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

BERNARD H. RIPLEY and DEBORAH :

W. RIPLEY, :

Plaintiffs, :

Civil Action No.

4:14-cv-00070-AWA-LRL

VS. :

J. HENRY HOLLAND CORPORATION, :

et al., :

Defendants. :

**DEFENDANTS FOSTER WHEELER LLC’S AND FOSTER WHEELER
ENERGY CORPORATION’S MOTION TO STAY ENFORCEMENT
OF REMAND ORDER PENDING APPEAL**

Defendants, Foster Wheeler LLC and Foster Wheeler Energy Corporation (collectively “Foster Wheeler”, by and through undersigned counsel, and pursuant to Rule 62 of the Federal Rules of Civil Procedure, move this Honorable Court to stay its order remanding this case back to the Virginia Circuit Courts (Dkt. 72), pending resolution of Foster Wheeler’s appeal of said remand order to the United States Court of Appeals for the Fourth Circuit. (See Dkt. 73 [Notice of Appeal].)

As more fully set forth in Foster Wheeler’s accompanying Memorandum in Support, this Court maintains jurisdiction in this instance to stay enforcement of its remand order, and good cause exists for the stay.

WHEREFORE, for the reasons set forth above and those more fully set forth in the accompanying Memorandum in Support, Foster Wheeler LLC and Foster Wheeler Energy

Corporation respectfully request that this Court enter an order staying enforcement of its prior remand order (Dkt. 72) and that the Court grant any and all such further relief as it deems appropriate.

Dated: August 21, 2015

Respectfully submitted,

FOSTER WHEELER LLC
FOSTER WHEELER ENERGY CORPORATION

By: /s/ Matthew D. Joss
Of Counsel

Anthony B. Taddeo, Jr., Esquire (VSB No. 70677)

David M. Sturm, Esquire (VSB No. 44580)

Matthew D. Joss, Esquire (VSB No. 48434)

TaddeoSturm PLC

3 West Cary Street

Richmond, Virginia 23220

(804) 344-8540 (Telephone)

(804) 34-8541 (Facsimile)

taddeo@taddeosturm.com

sturm@taddeosturm.com

joss@taddeosturm.com

**Counsel for Defendants Foster Wheeler LLC and
Foster Wheeler Energy Corporation**

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of August, 2015, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

William W.C. Harty, Esq. Erin E. Jewell, Esq. Robert R. Hatten, Esq. Donald N. Patten, Esq. Hugh B. McCormick, III, Esq. F. Alex Coletrane, Esq. PATTEN, WORNOM, HATTEN & DIAMONSTEIN, L.C. 12350 Jefferson Avenue - Suite 300 Newport News, VA 23602 Counsel for Plaintiffs	Timothy S. Brunick, Esq. Bonnie P. Lane, Esq. CLARKE, DOLPH, RAPAPORT, HULL & BRUNICK, PLC 6160 Kempsville Circle, Suite 101A Norfolk, VA 23502 Counsel for Warren Pumps, LLC and IMO Industries, Inc., As Successor in Interest to DeLaval Pumps
Gerard E. W. Voyer, Esq. Christopher J. Wiemken, Esq. TAYLOR WALKER, PC 555 E. Main Street, Suite 1300 Norfolk, VA 23510 Counsel for Crane Co.	R. Thomas Radcliffe, Jr., Esq. Kira A. Cook, Esq. DEHAY & ELLISTON, LLP 36 S. Charles St., Suite 1300 Baltimore, MD 21201 Counsel for Goulds Pumps, Inc.
Christopher Popecki, Esq. MORGAN, LEWIS & BOCKIUS LLP 1111 Pennsylvania Ave., NW Washington, DC 20004-2541 Counsel for Grinnell Corporation and The J.R. Clarkson Company, successor by merger to Kunkle Industries, Inc.	Jeffrey S. Poretz, Esq. Carl Schwartz, Esq. MILES & STOCKBRIDGE, P.C. 1751 Pinnacle Dr., Suite 500 McLean VA, 22102-3833 Counsel for SB Decking Co., Inc., a/k/a Selby Battersby
George J. Dancigers, Esq. McKENRY DANCIGERS DAWSON, PC 192 Ballard Court, Suite 400 Virginia Beach, VA 23462-6538 Counsel for Waco, Inc.	William W. Nexsen, Esq. J. Derek Turrietta, Esq. Alexander H. Bell, Esq. Stackhouse, Nexsen & Turrietta 4505 Colley Avenue PO Box 6328 Norfolk, VA 23508 Local Counsel for Union Carbide Corp.
William D. Bayliss, Esq. Lynn K. Brugh, IV, Esq. Joseph E. Blackburn, III, Esq. WILLIAMS MULLEN	Eric G. Reeves, Esq. Brian J. Schneider, Esq. Mary Louise Roberts, Esq. C. Stinson Mundy, Esq.

Williams Mullen Center 200 South 10th Street, Suite 1600 PO Box 1320 Richmond, VA 23218 Counsel for Flowserve US, Inc., Solely as Successor in Interest to Edward Valves, Inc., and Rockwell Manufacturing Co.	MORAN REEVES & CONN, PC 100 Shockoe Slip, 4th Floor Richmond, VA 23219 Counsel for Armstrong International, Inc., Individually and as Successor to Armstrong Machine Works
Henry N. Ware, Jr., Esq. M.F. Connell Mullins, Jr., Esq. Robert J. Allen, Esq. Patricia Bugg Turner, Esq. SPOTTS, FAIN, P.C. 411 East Franklin Street, Suite 600 PO Box 1555 Richmond, VA 23218 Counsel for Ingersoll Rand Company	Clement D. Carter, Esq. Lauren E. Wood, Esq. Robert F. Redmond, Jr., Esquire MCGUIRE WOODS, LLP 901 East Cary Street Richmond, VA 23219-4030 Counsel for Spirax Sarco, Inc.
Robert L. O'Donnell, Esq. VANDEVENTER BLACK, LLP 101 W. Main Street, Suite 500 World Trade Center Norfolk, VA 23510 Counsel for J. Henry Holland Corporation And Milwaukee Valve Company, Inc.	

And I hereby certify that I will send the document by electronic mail and first-class, postage prepaid mail with a copy of the NEF to the following non-filing users:

David C. Bowen, Esq.
Kevin P. Greene, Esq.
Michele B. Fanney, Esq.
WILLCOX & SAVAGE, P.C.
Wells Fargo Center
440 Monticello Avenue,, Suite 2200
Norfolk, VA 23510-2243
Counsel for Aurora Pump Company

James G. Kennedy, Esq.
PIERCE, HERNS, SLOAN & WILSON, LLC
The Blake House
321 East Bay Street
Charleston, SC 29401

Counsel for Union Carbide Corp.

John P. Fishwick, Jr., Esq.
LICHTENSTEIN & FISHWICK, P.L.C.
101 S. Jefferson Street, Suite 400
Roanoke, VA 24011

Counsel for Metropolitan Life Insurance Company

/s/ Matthew D. Joss

Anthony B. Taddeo, Jr., Esquire (VSB No. 70677)

David M. Sturm, Esquire (VSB No. 44580)

Matthew D. Joss, Esquire (VSB No. 48434)

TaddeoSturm PLC

3 West Cary Street

Richmond, Virginia 23220

(804) 344-8540 (Telephone)

(804) 34-8541 (Facsimile)

taddeo@taddeosturm.com

sturm@taddeosturm.com

joss@taddeosturm.com

**Attorneys for Defendants Foster Wheeler
LLC and Foster Wheeler Energy
Corporation**